

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Local Government, to which was referred House Bill 1114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 36-8-4-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) ~~Except as~~
- 4 ~~provided in subsections (c) and (d);~~ Members of the police and fire
- 5 departments must reside in Indiana ~~in one (1) of the following areas:~~
- 6 **within:**
- 7 (1) ~~Within~~ the county in which the city ~~town, or township~~ is
- 8 located; or
- 9 (2) ~~In~~ a county that is contiguous to the county in which the city
- 10 ~~town, or township~~ is located.
- 11 (b) In a consolidated city, a member who was residing outside the
- 12 county on January 1, 1975, is exempt from subsection (a).
- 13 (c) A ~~municipality~~ **city** with a population of less than seven
- 14 thousand five hundred (7,500) may adopt an ordinance that requires a

member of the ~~municipality's~~ city's police or fire department to comply with the following:

(1) Reside within the county in which the ~~municipality~~ city is located.

(2) Have adequate means of transportation into the ~~municipality~~ city.

(3) Maintain in the member's residence telephone service with the ~~municipality~~ city.

(d) This subsection applies to a ~~municipality~~ city that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A ~~municipality~~ city may require, in addition to the requirements of subsection (c), that a member of the police or fire department reside within the ~~municipality~~ city until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a ~~municipality's~~ city's police or fire department to reside within the county in which the ~~municipality~~ city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 2. IC 36-8-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 4.5. Town Police and Fire Employment Policies

Sec. 1. This chapter applies to the following:

(1) A member of a town police department under IC 36-5-7 or IC 36-8-9.

(2) A member of a town fire department.

Sec. 2. A member of a town police or fire department must reside in Indiana within:

(1) the county in which the town is located; or

(2) a county that is contiguous to the county in which the town is located.

Sec. 3. A town with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the town police or fire department to satisfy all of the following:

(1) Reside within:

(A) the county in which the town is located; or

(B) a distance from the town stated in the ordinance.

(2) Have adequate means of transportation into the town.

(3) Maintain in the member's residence telephone service with the town.

Sec. 4. This section applies to a town that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this section before September 1, 1984.

A town may require, in addition to the requirements of section 3 of this chapter, that a member of the police or fire department reside within the town until the member has served in the department for five (5) years.

Sec. 5. An ordinance adopted under section 3 or 4 of this chapter may not require a member of a town police or fire department to comply with section 3(1) of this chapter if the member resides:

(1) outside the county; or

(2) a distance outside the town greater than stated in the ordinance;

on the date the ordinance is adopted.

Sec. 6. Notwithstanding any other law, a member appointed to a town police department under IC 36-5-7 or IC 36-8-9 before July 1, 2008, may not be required to reside within:

(1) the county in which the town is located; or

(2) a county that is contiguous to the county in which the town is located;

if the member resided within a county that is noncontiguous to the county in which the town is located on July 1, 2008."

Page 2, delete lines 1 through 16.

Page 3, delete lines 4 through 22, begin a new paragraph and insert:

"SECTION 4. IC 36-8-13-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 10. (a) A member of a township fire department must reside in Indiana within:**

(1) the county in which the township is located; or

(2) a county that is contiguous to the county in which the

- 1 township is located.
- 2 (b) A township with a population of less than seven thousand
- 3 five hundred (7,500) may adopt a resolution that requires a
- 4 member of the township fire department to satisfy all of the
- 5 following:
- 6 (1) Reside within:
- 7 (A) the county in which the township is located; or
- 8 (B) a distance from the township stated in the resolution.
- 9 (2) Have adequate means of transportation into the township.
- 10 (3) Maintain in the member's residence telephone service with
- 11 the township.
- 12 (c) This subsection applies to a township that:
- 13 (1) has a population of less than seven thousand five hundred
- 14 (7,500); and
- 15 (2) adopted a resolution to establish the requirements
- 16 described in this subsection before September 1, 1984.
- 17 A township may require, in addition to the requirements of
- 18 subsection (b), that a member of the fire department reside within
- 19 the township until the member has served in the department for
- 20 five (5) years.
- 21 (d) A resolution adopted under subsection (b) or (c) may not
- 22 require a member of a township fire department to comply with
- 23 subsection (b)(1) if the member resides:
- 24 (1) outside the county; or
- 25 (2) a distance outside the township greater than stated in the
- 26 resolution;
- 27 on the date the resolution is adopted.".
- 28 Renumber all SECTIONS consecutively.
(Reference is to HB 1114 as introduced.)

and when so amended that said bill do pass.

Representative Smith V